

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

MARY E. LENTZ,)	Cause No. 1:01-cv-599 MHW-TSB
)	
Plaintiff,)	(Judge Watson)
)	
v.)	
)	
CINCINNATI INSURANCE)	
COMPANY, <i>et al.</i>)	
)	
Defendants.)	

MOTION TO SET TELEPHONIC SETTLEMENT CONFERENCE

Plaintiff, by counsel, respectfully asks this Court to set a telephonic settlement conference to discuss settlement prior to the start of trial in this case. Plaintiff would show the Court as follows:

1. This case is currently set to begin trial on June 6, 2005.
 2. At the Final Pre-Trial conference held on May 26, 2005, the Court indicated that the first day of trial would consist of a settlement conference to be conducted by Magistrate Judge Timothy S. Black, followed by voir dire to be conducted by Magistrate Judge Black.
 3. On May 27, 2005 this Court issued an order formally setting a settlement conference for June 6, 2005. The Court's order also stated that a confidential settlement statement should be submitted to the Magistrate Judge by 12:00 p.m. on June 3, 2005.
 4. Counsel for Plaintiff believes that the chances for settlement would be increased were this Court to order a telephonic settlement conference before the first day of trial.
- Were an earlier telephonic settlement conference to be conducted, it might eliminate

- the expense associated with actually empanelling a jury, as well as the associated costs of arriving for and conducting part of the first scheduled day of trial.
5. Counsel for Plaintiff has indicated to opposing counsel the desire to discuss settlement sooner, rather than later.
 6. Counsel for Defendants objects to this motion and stated to Counsel for Plaintiff that they would rather conduct the settlement conference the day of trial, rather than discuss settlement before then.
 7. It appears from Counsel for Plaintiff's position that both parties could benefit from the Court's intervention by way of a settlement conference which could save not just the parties, but also the Court, the expense that would accrue should this case settle after the first day of trial is set to begin. It is believed that Magistrate Judge Black's expertise on settlement could facilitate an agreeable resolution to this matter.
 8. This motion is made by counsel for Plaintiff as a good-faith effort to try to resolve this case in a manner satisfactory to all parties, and in an effort to engage in reasonable dialogue concerning this case.

WHEREFORE, Plaintiff, by counsel, respectfully requests this Court set a telephonic settlement conference with Magistrate Judge Black to be conducted in advance of the scheduled June 6, 2005 settlement conference, and for all other relief just and proper in the premises.

Respectfully Submitted,

s/[Michael K. Sutherlin]
Michael K. Sutherlin
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on Monday, May 27, 2005, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Deborah S. Adams
Jack B. Harrison
FROST BROWN TODD, LLC
2200 PNC Center
201 East Fifth Street
Cincinnati, OH 45202
dadams@fbtlaw.com
jharrison@fbtlaw.com

s/[Michael K. Sutherlin]
Michael K. Sutherlin
Attorney for Plaintiff

MICHAEL K. SUTHERLIN & ASSOCIATES
P.O. Box 441095
Indianapolis, IN 46244-1095
Phone: (317) 634-6313
Fax: (317) 631-8818
msutherlin@michaelsutherlin.com